

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**AMANDA BRYANT**

**PLAINTIFF**

**V.**

**NO. 4:23-CV-112-DMB-JMV**

**STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY**

**DEFENDANT**

**ORDER**

On November 20, 2020, Amanda Bryant filed a complaint in the Circuit Court of Leflore County, Mississippi, against State Farm Mutual Automobile Insurance Company and Henley, Lotterhos, & Henley, PLLC (“HLH”), alleging various state law claims. Doc. #2. State Farm removed the case to the United States District Court for the Northern District of Mississippi on June 16, 2023, asserting diversity jurisdiction.<sup>1</sup> Doc. #1 at 2. On November 13, 2023, State Farm filed a motion to dismiss the complaint pursuant to Federal Rule of Civil Procedure 12(b)(6).<sup>2</sup> Doc. #25. Approximately one month later, Bryant, with leave of the Court, filed an amended complaint which, among other things, removed HLH as a defendant. Docs. #35, #37.

“An amended complaint supersedes [an] original complaint and renders it of no legal effect unless the amended complaint specifically refers to and adopts or incorporates by reference the earlier pleading.” *King v. Dogan*, 31 F.3d 344, 346 (5th Cir. 1994) (citation omitted). When a motion to dismiss has been filed against a superseded complaint, the proper course is to deny the motion to dismiss as moot. *See, e.g., Sartori v. Bonded Collect Servs.*, No. 2:11-cv-030, 2011 WL

---

<sup>1</sup> Pursuant to the Court’s September 1, 2023, order, State Farm amended the removal notice to cure certain jurisdictional defects. Docs. #18, #19.

<sup>2</sup> The motion is fully briefed. Docs. #26, #27, #31.

3293408, at \*1 (N.D. Miss. Aug. 1, 2011) (“The defendant’s March 26, 2011 motion to dismiss for lack of personal jurisdiction should be denied as moot since the plaintiff filed an Amended Complaint subsequent to the filing of the first motion to dismiss.”); *Fit Express, Inc. v. Circuit-Total Fitness*, No. 1:07-cv-62, 2008 WL 4450290, at \*1 (N.D. Miss. Sep. 29, 2008) (“Because Plaintiff’s Counterclaims were amended, Defendants’ previously filed Motion to Dismiss ... is denied as moot.”).

Bryant’s amended complaint does not reference or incorporate her original complaint, *see* Doc. #37, and thus supersedes her original complaint. So State Farm’s motion to dismiss the original complaint [25] is **DENIED as moot**.

**SO ORDERED**, this 2nd day of January, 2024.

/s/Debra M. Brown  
**UNITED STATES DISTRICT JUDGE**